IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9176 OF 2003

Shri. Sanjay Paraji Pawar ... Petitioner

Vs.

The State of Maharasthra and Ors. ... Respondents

Mr. N.V. Bandiwadekar for Petitioner.

Mr. A.P. Vanarse, A.G.P. for R. Nos. 1, 2 and 5.

Mr. U.B. Nighot for R. Nos. 3 and 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : MARCH 09, 2005

P.C.

. Rule. Heard forthwith.

. The Petitioner possesses qualifications of M.A. B.Ed. and has been appointed in the under graduate scale. The Management applied for approval and the same was rejected on the ground that the petitioners appointment was on account of death of Art Teacher Lohar and as such the approval cannot be granted.

. In the reply filed by Ashok Sonawane, dated 26.3.2004, in Paragraph 3 it is set out that the appointment was not made in the proper manner and was not made by a proper interview committee. The

proposal also was not sanctioned as there is a backlog for backward community and the Management has made appointment against the said backlog.

. It is clear that reason now given for rejecting the approval is different from that was communicated by the Management. Apart from that the learned counsel for the Petitioner points out that in the vacancy which arose on account of death of art teacher Lohar, one Mr. Godse has been appointed and Petitioner in fact has been appointed in the vacancy arising from promotion of Mr.Godse to the trained graduate scale. In the light of that and considering the reply now filed on behalf of the Government authorities, ends of justice will be met if the following order is passed :

(1) Respondent No. 2 to reconsider the case of the Petitioner, also bearing in mind that reservation is limited to 34% as per school rules and further to consider whether the vacancy has arisen on account of appointment of Mr. Godse in the trained graduate scale subsequent to the death of Mr. Lohar and any other fact which may be relevant for the purpose of considering the case of the Petitioner for approval.

(2) Respondent No. 2 to hear the Petitioner, Management and thereafter to pass appropriate orders according to law within the period of twelve weeks from today.

. Rule made absolute accordingly. No order as to costs. Parties to appear before Respondent No. 2 on 20.3.2005.

. All parties to act on authenticated copy of this order.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)